

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MATTHEW L. ASHBY, et al.,)
Plaintiffs,) 4:05CV3154
vs.) ORDER
MARY DYER, et al.,)
Defendants)

This matter is before the court on the Stipulation (Filing No. 127) between the plaintiffs and the defendant Bryant Whitmire. These parties seek an extension of time to complete discovery, before a response is due to the defendant's motion to dismiss, until after the court resolves the plaintiffs' Motion to Compel Discovery (Filing No. 123). The parties contend additional discovery is necessary before they can complete briefing on the defendant's motion to dismiss (Filing No. 108). The moving parties have agreed to an extension of the response date for the motion to dismiss by fourteen days after the discovery related to the motion is completed. The parties further agree such discovery will be completed within thirty days of a resolution of the plaintiffs' motion to compel. The court will adopt the movants' stipulation. Upon consideration,

IT IS ORDERED:

1. The Stipulation (Filing No. 127) between the plaintiffs and the defendant Bryant Whitmire is adopted.
2. The plaintiffs shall have until forty-four days after an order is entered resolving the plaintiffs' Motion to Compel Discovery (Filing No. 123) to file a response to the defendant Bryant Whitmire's motion to dismiss (Filing No. 108).

DATED this 12th day of January, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge